



Ontario  
Ministry of  
Labour

Women  
Crown Employees  
Office

# Maternity Leave

in the  
Ontario Public Service

Government  
Publications

C 720 N

L

7201

31761 118927524



# Maternity Leave in the Ontario Public Service

## Introduction

This pamphlet was prepared by the Women Crown Employees Office in co-operation with the Civil Service Commission as a means of providing information on maternity leave.

As an employee of the Ontario Public Service, you are entitled to unpaid leave-of-absence if you are pregnant. However, there are a number of factors to consider when planning your absence and subsequent return to work. We therefore suggest that you consult your personnel office when you are at the stage of requesting maternity leave.

Ontario Civil Servants' terms and conditions of employment are set by:

1. *The Public Service Act*
2. *Collective Agreements Between Management Board of Cabinet and Ontario Public Service Employees Union*

Ontario Public Servants and Crown Employees terms and conditions of employment are covered by *The Employment Standards Act* or by such better benefits as contained in their terms and conditions of employment.

## Maternity Leave Provisions

### What are the eligibility requirements for Maternity Leave for Ontario Civil Servants?

The Public Service Act and the Collective Agreement state that a Deputy Minister shall grant leave-of-absence without pay and without accumulation of credits for the purpose of childbirth to a female employee who has completed more than one year of continuous service.

### What are the eligibility requirements for Maternity Leave for Ontario Public Servants and Crown Employees?

The Employment Standards Act provides that an employee is entitled to 17 weeks of unpaid leave-of-absence for pregnancy where she has been employed with her employer for at least 12 months and 11 weeks.

### For what length of time are you entitled to unpaid leave-of-absence for pregnancy?

The Ontario Employment Standards Act provides a 17 week leave-of-absence with a flexible starting time. You are entitled to begin your leave-of-absence at any time within 11 weeks prior to the expected delivery and continue for the full 17 weeks.

### How should your maternity leave commence?

You must provide your supervisor with at least two weeks notice in writing, prior to the date you intend to begin your

leave, and a medical certificate indicating the expected date of birth.

### Are you entitled to sick benefits during Maternity Leave due to illness or complications?

You cannot use accumulated sick or annual leave for this purpose during your maternity leave. However, during pregnancy, prior to maternity leave, you are entitled to sick benefits for incidental illness.

### Can you return to work before the 17th week is completed?

If you wish to return to work less than six weeks after delivery you may do so, providing you advise the Deputy Minister one week in advance and have a medical certificate stating you are able to resume your work.

### Are you entitled to any additional leave?

Longer post-natal leaves may be arranged by *mutual agreement* with your employer. However, you should find out from your supervisor how this can be arranged since application procedures for additional leave vary in ministries. Therefore, if you are planning to take a longer leave, it is advisable for you and your employer to discuss and set-up explicitly the terms and conditions of your returning to work.

### What if you encounter complications after childbirth?

As stated above, you may arrange additional leave-of-absence by mutual agreement. You must inform your supervisor at least two weeks prior to the date of your return from maternity leave of the need for additional leave-of-absence.

This additional leave-of-absence may be arranged through Discretionary Leave-Of-Absence and may be granted by your Deputy Minister.

### Are you entitled to your former position after Maternity Leave?

Normally, yes. You will be assigned to your former position and paid at the step in the salary range that you had attained when the leave-of-absence was granted and with no loss of benefits or seniority accrued to the start of the leave.

However, in the event that your position has been abolished during the leave-of-absence, you shall be assigned to a position in the classification you held prior to the leave-of-absence and be paid at the step in the salary range you had prior to the leave-of-absence.

### Will your merit anniversary date be affected?

If your maternity leave exceeds three months/sixty days of continuous absence, your merit anniversary date changes. Your anniversary date will be postponed for the period of time you are on maternity leave. For example, if your anniversary date falls on June 1st, and you commence your maternity leave in February and return in June, four months later/eighty days, your new anniversary date will be in October (four months following your previous anniversary date).

## **Are you entitled to adoption leave?**

If you have completed more than one year of continuous service, your Deputy Minister shall grant you a leave-of-absence for a period of up to six weeks without pay and without accumulation of credits for the purpose of adopting a child.

# **Maternity Leave Benefits**

## **What happens to your benefits during Maternity Leave?**

Prior to 1975, if you took maternity leave and returned to work, you were obliged to pay contributions to your pension plan for the period of your leave. As of 1975, the pension plan was changed so that now you have the option of making benefit contributions.

Hence, when you return to work, you have the option to pay or not to pay, within six months, your share of contributions to the Public Service Superannuation Fund for the length of your leave, based on your salary at the time you took the leave. However, if you decide to contribute for this period after the six months, your contributions will be based on the salary at the time you make the decision.

While you are on maternity leave, the Ontario Government ceases paying its share of fringe benefits except that management employees continue to have OHIP premiums paid on their behalf. Therefore, if you wish to retain *continuous coverage* for the following benefits: Basic and Supplementary Life Insurance, Supplementary Health and Hospital Insurance, Ontario Health Insurance Plan and Long Term Insurance Protection Benefits, you should arrange to pay for these benefits through your personnel branch on a monthly basis.

**Note:** Your fringe benefit subsidies and OHIP premiums will be paid any month in which you are carrying out your assigned duties, for example, if you return to work on March 30th, your fringe benefits and OHIP will be paid for the month of March.

In addition, you are entitled to vacation credits for any month in which you are at work or receive pay for at least one day.

**What about your Unemployment Insurance benefits?**  
If you qualify for Unemployment Insurance benefits during your maternity leave, you may collect benefits for a maximum period of 15 weeks. To find out if you meet the requirements and are eligible for benefits, contact your nearest Unemployment Insurance office.

As of 1976, the 15 week benefit period became flexible so that you could collect during a period beginning as early as eight weeks before the week of birth and ending as late as 17 weeks after birth.

## **How do you apply for Unemployment Insurance benefits?**

You should obtain a *Record of Employment* form from your personnel or payroll section, as well as, a certificate 11-32 from your doctor and file the *Application For Benefits* form at the Unemployment Insurance office nearest to your residence. Applications can be filed as early as ten weeks before commencing your leave and as late as one week after delivery.

## **When should you apply for Unemployment Insurance benefits?**

Don't delay in applying or you may lose some of your benefits! The week after the expected birth week is, normally, the last week you can apply and still get 15 weeks of maternity benefits. Therefore, it is wise to apply early in order to avoid delays or even loss of benefits.

## **When do your Unemployment Insurance benefits commence?**

You should note that there is a two week mandatory waiting period during which time no Unemployment Insurance benefits are paid.

## **What Unemployment Insurance benefits are you entitled to during your maternity leave?**

The weekly benefit rate, if you are eligible, is 60 percent of your average weekly insurable earnings. Your weekly insurable earnings means your income during the weeks in which Unemployment Insurance premiums have been paid.

The maximum insurable earnings are adjusted yearly, for example, during 1978, the maximum weekly insurable earnings were \$240, and in 1979, \$265.

## **What happens at the end of your maternity benefit period if you do not intend to return to work?**

If you are not planning to return to work at the end of your maternity leave, you must notify your local Unemployment Insurance office three weeks before the end of your maternity benefit period. If you do not intend to return to work at the end of the maternity benefit period, you do not have the right to collect regular Unemployment Insurance benefits.

## **Can you appeal the Unemployment Insurance Commission's decision?**

In some cases, the Unemployment Insurance Commission may rule you are ineligible for benefits. If you feel you wish to appeal that decision, your appeal must be made within 30 days of the date when the Unemployment Insurance Commission's decision was communicated to you (longer periods may apply in special cases).

## **What if you are a high income earner?**

**Note:** Effective mid 1979, if you are a high income earner and your Unemployment Insurance payments take your yearly income over \$20,670, you will have to pay back 30 percent of those Unemployment Insurance benefits which take your income over the \$20,670 limit. This will be done through the income tax system.

# **Legislation and other information relevant to Maternity Leave**

## ***The Public Service Act, Reg. Number 749***

- Maternity Leave, Section 76
- Adoption Leave, Section 77
- Discretionary Leave, Section 80

## ***Manual of Administration Employee Benefits, Section 7, Volume II***

- Leaves-of-Absences, Section 7
- Maternity Leave, Section 7-5-3
- Discretionary Leave, Section 7-5-5

## ***The Ontario Employment Standards Act, Section 10***

## ***Collective Agreements between Management Board of Cabinet and Ontario Public Service Employees Union, Article II***

## **Other Information**

The Employee Advisory Services Branch of the Ministry of Government Services provides day care counselling service to assist parents in locating day care in their own community.

George Drew Building  
25 Grosvenor St.  
13th Floor  
Toronto, Ontario  
Telephone (416) 965-9953

## **Summary**

If you have additional questions or a specific problem, contact your: supervisor, personnel branch, women's advisor, union rep, or nearest Unemployment Insurance office.

*This pamphlet was prepared by:  
Women Crown Employees Office  
Ministry of Labour  
15th Floor  
400 University Ave.,  
Toronto, Ontario  
M7A 1B7  
Telephone (416) 965-0564*



Ontario  
Ministry of  
Labour

Women  
Crown Employees  
Office